IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1725 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE M.R.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SUBODH CHATURBHUJDAS

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1725 of 1994

MR MJ THAKORE for Petitioner No. 1

Mr. L.R. Poojari, AGP for Respondent No. 1

..... for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE M.R.SHAH

Date of decision: 07/04/2004

ORAL JUDGEMENT

The present petition is filed under Article 226/227 of the Constitution of India challenging the order passed by the Urban Land Ceiling Tribunal dated 20th December 1983 in dismissing the appeal and confirming the order passed by the competent authority,

Urban Land Ceiling, dated 3rd February 1983 by which the competent authority under the Urban Land Ceilings Act has declared 427.88 sq.meters of land as excess vacant land.

2. This Court admitted the present Special Civil Application on 15.7.1994 and confirmed the ad-interim relief granted earlier on 11.2.1994 by which the status-quo with regard to possession was granted with a clarification that the petitioner will also maintain status-quo and will not make any change in the land in question nor will create any encumbrance. Thus, by virtue of the interim order passed by this Court on 15.7.1994 the possession of the petitioner is protected and the petitioner is in possession of the land in question and possession of the land in question has not been taken over by the State Government.

3. In view of the provisions of Section 4 of the Urban Land (Ceiling & Regulation) Repeal Act, 199 , all the proceedings are required to be abated. Under the circumstances and in view of the fact that the possession of the land has not been taken over by the State Government, which is not disputed by Shri Poojari, learned AGP appearing for the State Government, the present Special Civil Application and the impugned orders are abated, and the present Special Civil Application is disposed of accordingly. Rule is discharged. Interim relief stands vacated.

rmr. [M.R. Shah, J.]